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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS
AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF
THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Letter dated 9 October 1992 from the Permanent Representative
of Peru to the United Nations Office at Geneva addressed to
the Under-Secretary-General for Human Rights

I am writing to you in connection with the capture of Abimael Guzmán, the chief of the Shining Path terrorist group, on 12 September 1992 in Lima.

The Government of Peru considers this capture to be a very important achievement in the pacification of the country. This is of special significance just a few weeks from 22 November, the date on which the people of Peru are to elect a new national Democratic Constituent Congress.

In accordance with the anti-terrorism legislation, the chief of Shining Path and 10 members of its high command were on 7 October 1992 sentenced to life imprisonment for the crime of treason.

Since May 1980, the bloody deeds of the terrorist groups in Peru, primarily Shining Path, have caused enormous losses in terms of lives, moral injuries and property damage, which have seriously affected the human rights of all Peruvians.

The terrorist violence has affected the right to life, causing the deaths, as of August 1992, of 24,517 persons. The highest percentage of victims have been among peasant farmers and humble urban shanty-town dwellers, although in recent years there has been an increase in murders of grass-roots leaders, clergymen and foreigners, in particular aid workers.

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The terrorist violence has also affected the economic rights of Peruvians, causing large-scale damage to the national infrastructure. The total economic cost of this damage inflicted over 12 years of violence is estimated at \$20,502 million, equivalent to 98.64 per cent of Peru's external debt. Paradoxically, when the country was in greatest need of savings and internal economic discipline to stabilize its finances and revive its development process, the terrorists caused serious damage to the infrastructure and sought to undermine the confidence of Peruvian and foreign investors.

The acts of terror committed by Shining Path and the Tupac Amaru Revolutionary Movement, besides affecting the right to life and other economic and social rights, have seriously affected political and civil rights such as the right to trade union membership, the right to civic organization, the right to work, the right freely to elect authorities, the right of assembly and the right to freedom of expression. To this end the most commonly used terrorist method has been the "armed strike".

In general, the terrorists have tried to destroy the democratic texture of society and to undermine the administration of the lawfully-elected authorities. To all this must be added the aggression against the international community represented by the alliance of the terrorist groups with international drug traffickers.

This situation is beginning to change now that the chief and high command of Shining Path have been captured and sentenced and the Peruvian economy has stabilized and normalized its relations with the international financial community. The Peruvian people are now regaining hopes of being able to advance towards the total pacification of the country. At this juncture, the international community's support, solidarity and understanding are of particular importance for Peru.

In conclusion, I wish to request you, Sir, in conformity with Commission on Human Rights resolution 1992/42 entitled "Consequences on the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population and by drug traffickers", kindly to transmit the contents of this letter to the special rapporteurs and working groups of the Commission on Human Rights in order that they may include in their respective reports to the Commission at the forty-ninth session the acts of violence committed by terrorist groups in Peru which, for 12 years, have affected the practical enjoyment of the human rights of a large number of Peruvians.

In addition, I should be especially grateful if you would transmit the contents of this letter to the member States and observer States of the Commission on Human Rights and to the non-governmental organizations accredited to the Commission.

I append to this letter statistics on the serious acts of violence against the people of Peru committed by the terrorist groups in Peru between May 1980 and August 1992.

(Signed) Oswaldo de Rivero
Embassador

Table 1. Deaths due to the political violence in Peru

Year	Members of the security forces	Civilians	Subversives	Drug traffickers	Annual total
1980	1	2	0	0	3
1981	2	2	0	0	4
1982	39	87	44	0	170
1983	92	749	1 966	0	2 807
1984	99	1 758	1 462	0	4 319
1985	65	410	884	0	1 359
1986	136	510	622	0	1 268
1987	126	388	183	0	697
1988	289	1 030	667	0	1 986
1989	348	1 450	1 251	149	3 198
1990	258	1 584	1 542	68	3 452
1991	334	1 287	1 522	37	3 180
1992 ^{1/}	306	1 029	329	10	2 874
TOTAL	2 895	10 286	11 872	264	24 517

Source: Peruvian Ministry of Defence, Senate Special Committee,
Constitution and Society Institute.

^{1/} Data up to August 1992.

Table 2. Victims of political violence, by occupation

	1989	1990	1991	1992 ^{1/}	Total 89/92	(%)
<u>Civilians</u>	1 450	1 584	1 287	1 029	5 350	44.9
Professionals	87	73	56	43	259	2.2
Businessmen/Entrepreneurs	46	56	73	26	201	1.7
Workers	148	97	89	98	432	3.6
Peasants	700	687	476	379	2242	16.9
Members of rural patrols	0	97	174	164	435	3.7
Grass-roots leaders	n.a	n.a	n.a	27	27	0.2
Members of urban patrols	0	0	0	1	1	0.0
Shanty-town dwellers	260	433	316	210	1 219	10.2
Students	65	73	48	25	211	1.8
Officials	144	62	49	50	305	2.6
Foreigners	0	6	6	6	18	0.2
<u>Members of the security forces</u>	348	258	334	306	1 246	10.5
Members of the armed forces	105	106	156	171	538	4.5
Police officers	243	152	178	135	708	5.9
<u>Subversives/Drug traffickers</u>	1400	1610	1559	739	5 308	44.6
Subversives	1251	1542	1522	729	5 044	42.4
Drug traffickers	149	68	37	10	264	2.2
TOTAL	3198	3452	3180	2 074	11 904	100.0

Source: Peruvian Ministry of Defence, Senate Special Committee.

^{1/} Data up to August 1992.

Table 3. Estimated total economic cost of the violence 1980-1992
(in millions of US dollars)

	Annual	Cumulative	Economic cost/ External debt
1980-1989	15 040.98	15 040.98	-
1990	3 000.00	18 040.98	-
1991 <u>1/</u>	1 540.00	19 580.98	-
1992 <u>2/</u>	921.40	20 502.38	98.64%

Source: Senate Special Committee Constitution and Society Institute.

1/ Preliminary figure.

2/ Includes preliminary data up to August 1992.

Table 4. Estimated economic cost of destruction of electricity pylons (Millions of \$)

	1991	1990	1989	1988	1987	1986	1985	1984	1983	1982	1981	1980	Total
Electricity pylons destroyed	155	200	276	162	134	61	174	79	121	32	15	5	
1. Cost of repairs/replacement	2.00	2.58	3.56	2.09	1.73	0.79	2.25	1.02	1.56	0.41	0.19	0.06	18.25
2. Unsold power	7.38	9.52	13.14	7.71	6.38	2.90	8.28	3.76	5.76	1.52	0.71	0.24	67.30
3. Cost of replacement fuel	4.20	5.42	7.48	4.39	3.63	1.65	4.71	2.14	3.28	0.87	0.41	0.14	38.31
4. Security cost	1.13	1.46	2.01	1.18	0.97	0.44	1.27	0.57	0.88	0.23	0.11	0.04	10.29
5. Direct costs (1 + 2 + 3 + 4)	14.71	18.97	26.19	15.37	12.71	5.79	16.51	7.49	11.48	3.04	1.42	0.47	134.15
6. Productive opportunity cost*	257.00	331.61	457.63	268.61	222.18	101.14	288.50	130.99	200.63	53.06	24.87	8.29	2 344.50
Total cost (5 + 6)	271.71	350.59	483.81	283.98	234.89	106.93	305.81	138.48	212.11	56.09	26.29	8.76	2 478.65

Source: Electro peru, Electro Lima, Senate Special Committee.

* The productive opportunity cost includes the multiplier effects of man hours lost through lack of electric power, and the adjustments of prices and rates resulting from the incorporation in costs of the specific items relating to security and expenditure on insurance against terrorism.





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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE
OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE**

Letter dated 28 September 1992 from the Ambassador and Permanent Observer
for Palestine to the United Nations Office at Geneva addressed to the
Under-Secretary-General for Human Rights

With reference to our previous notes concerning the Israeli occupation authorities' violations of the provisions of the Fourth Geneva Convention through their inhuman treatment of Palestinian detainees in Israeli prisons and detention centres in the occupied Palestinian territories and in Israel, we wish to inform you that the Israeli occupation authorities are still pursuing a policy of torture and inhuman treatment in regard to all aspects of the living conditions of Palestinian detainees in prisons and detention centres.

In addition to the practice of physical and mental torture, the prison guards frequently assault the detainees, who then have to be taken to hospital for treatment, as happened at the Ansar 2 detention centre at Gaza as a result of the torture to which the detainees had been subjected. The Palestinian citizens concerned included the following:

1. Ibrahim Muhammad Jibril, aged 17, on 18 July 1992.
2. Eid Hassan al-Bayyari, aged 55, on 27 July 1992.
3. Saadi Ismail al-Sammouni, aged 28, on 26 August 1992.

4. Ibrahim Jabir Abdul Jidyan, aged 22, on 31 August 1992.
5. Muhammad Hijazi al-Qayidh, aged 30, on 5 September 1992.
6. Muhammad Khalil Abu Jalila, aged 22, on 4 September 1992.
7. Khamis Muhammad al-Dahaliseh, aged 20, on 4 September 1992.

The Israeli occupation authorities are continuing their policy of depriving detainees of their right to engage freely in religious observances and are also preventing the circulation of cultural materials and failing to provide medical treatment for sick detainees, many of whom are left prey to diseases which slowly sap their strength and eventually prove fatal. Detainees are deprived of the requisite quality and quantity of food and are given polluted water to drink, as happened in block B at Ansar 3 detention centre in the Negev where the detainees discovered a type of larvae in their drinking water on 10 September 1992, to which they drew the attention of the prison administration. Overcrowding in small cells is in itself a form of torture and ill-treatment due to the unhygienic living conditions that it entails. This is what the Israeli occupation authorities are doing at Dhahiriya prison where cells covering an area of only 12 m² are being used to hold about 20 detainees.

In the light of the above, the Palestinian detainees have repeatedly appealed to the International Committee of the Red Cross and international humanitarian organizations to intervene with a view to putting an end to those inhuman practices, which are totally incompatible with the provisions of international humanitarian law, particularly the Fourth Geneva Convention of 1949.

The prisons concerned included the following:

1. Beersheba prison, on 7 July 1992.
2. Shatta prison, on 9 July 1992.
3. Dhahiriya prison, on 13 August 1992.
4. Hebron prison, on 10 September 1992.
5. Junaid prison.
6. Ansar 2 prison at Gaza.
7. Jenin prison.

On 27 September 1992, 800 Palestinian detainees at Junaid central prison at Nablus declared an open-ended hunger-strike in protest at their ill-treatment after they had exhausted all the means at their disposal to achieve their humanitarian demands and enjoy their rights as detainees.

We are sending you this note in order to remind you that the Israeli occupation authorities are continuing the policy of repression, ill-treatment

and violence that they have pursued for many years against Palestinian citizens in the occupied Palestinian territories, in spite of the resolutions of the Security Council, the General Assembly and the Commission on Human Rights which, since 1967, have been calling upon Israel to implement the provisions of the Fourth Geneva Convention in the occupied territories as an international norm for the protection of the rights of the Palestinian people under Israeli occupation.

The Israeli occupation authorities' refusal to honour their international commitments as a party to the Fourth Geneva Convention, in their capacity as the Power responsible for the application of the resolutions of the Security Council, the General Assembly and the Commission on Human Rights and the requests and appeals of the International Committee of the Red Cross, places the international community and international humanitarian organizations under an obligation to make appropriate representations to the Israeli occupation authorities with a view to compelling them to respect the provisions of the International Bill of Human Rights and international humanitarian law in order to save the victims of Israel's rebellion against the will of the international community. These victims include the principles of international law, the will of the international community and the provisions of the humanitarian conventions governing the relationship between the occupying Power and the population living under occupation in such a way as to safeguard and protect human rights in all circumstances and situations.

In view of the above, you are kindly requested to circulate this note as an official document of the forthcoming forty-ninth session of the Commission on Human Rights under agenda item 4.

(Signed):

Nabil Ramlawi
Ambassador and Permanent Observer
